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KRONENBERGER BURGOYNE, LLP

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7 **Attorneys for Plaintiff**
Quick Learning, LLC

8 a Texas Limited Liability Company

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10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

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13 **Quick Learning, LLC,** a Texas Limited
Liability Company,

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15   Plaintiff,

    vs.

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17 **QUICKLEARNING.COM, an Internet
domain name**,

18   Defendant.

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Case No. C-07-06456-HRL

REQUEST TO CLERK TO ENTER DEFAULT; DECLARATION OF DEEPA KRISHNAN IN SUPPORT THEREOF

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KRONENBERGER BURGOYNE, LLP
150 Post Street, Suite 520
San Francisco, CA 94108
www.KronenbergerLaw.com

1 TO THE CLERK OF THE ABOVE ENTITLED COURT:

2   Plaintiff Quick Learning, LLC ("Quick Learning") hereby requests that the Clerk of

3 the above-entitled Court enter default in this matter against the Defendant domain

4 QUICKLEARNING.COM ("Defendant"), on the ground that no party, including the

5 registrant of the Defendant domain, has appeared or otherwise responded to Quick

6 Learning's Complaint for Cybersquatting *In Rem* ("Complaint"), within the 20 day time

7 period prescribed by the Federal Rules of Civil Procedure.

8   As described in the accompanying Declaration of Deepa Krishnan ("Krishnan

9 Decl."), Quick Learning's Complaint was filed on December 21, 2007. (Krishnan Decl.

10 ¶4.) Quick Learning served the Complaint and Summons on the registrant of the Domain

11 name via Certified Mail, First Class Mail, Overnight Mail (Federal Express), and e-mail on

12 December 28, 2007, pursuant to 15 U.S.C. § 1125(d)(2)(B), as evidenced by the Proof of

13 Service filed with the Court on January 23, 2008. (Krishnan Decl. ¶¶4-5.)

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15 Respectfully Submitted,

16 DATED: January 29, 2008   KRONENBERGER BURGOYNE, LLP

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18   _____/s/_____

19   Deepa Krishnan
                           Attorneys for Plaintiff

20   Quick Learning, LLC.

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C-07-06456-HRL   2   **REQUEST TO ENTER DEFAULT; DECL. IN SUPP. THEREOF**

DECLARATION OF DEEPA KRISHNAN

I, Deepa Krishnan, declare as follows:

1.   I am an attorney with Kronenberger Burgoyne, LLP, counsel to Plaintiff Quick Learning, LLC ("Quick Learning") in this action. Except as otherwise stated, I have personal knowledge of the facts stated herein and could and would competently testify thereto.

2.   Prior to filing the Complaint in this action, I and my colleagues reviewed the available WHOIS records for the Defendant domain QUICKLEARNING.COM ("Defendant"). The records revealed that QUICKLEARNING.COM is privately registered with the domain name registrar, Moniker Online Services, LLC ("Moniker"). Thus, the WHOIS records for the Defendant domain state the registrant to be "Moniker Privacy Services" ("Moniker Privacy").

3.   Accordingly, on December 6, 2007, our office sent a notice to Moniker Privacy, pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II). We sent the same notice to the domain name registrar, Moniker. The statute pursuant to which we sent the notice says, in pertinent part:

> The owner of a mark may file an *in rem* civil action against a domain name in the judicial district in which the domain name registrar, domain name registry, or other domain name authority that registered or assigned the domain name is located if the court finds that the owner through due diligence was not able to find a person who would have been a defendant…by sending a notice of the alleged violation and intent to proceed under this paragraph to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar; and publishing notice of the action as the court may direct promptly after filing the action.

In our notice sent pursuant to the above, we additionally asked Moniker and Moniker Privacy (collectively, the "Moniker Entities") to reveal the name of any other registrant, but to date, the Moniker Entities have failed to do so. A true and correct copy of our notice, served via First Class Mail, facsimile, and e-mail on December 6, 2007, is attached hereto as Exhibit A.

1   4.   On December 21, 2007, Quick Learning filed its *in rem* Complaint against

2   Defendant.   On December 28, 2007, Quick Learning served the Complaint and

3   Summons on the registrant of record, Moniker Privacy, via Certified Mail, First Class Mail,

4   Federal Express, and e-mail, at the contact information provided publicly by the

5   Defendant domain's registrar, pursuant to the service requirement under 15 U.S.C. §

6   1125(d)(2)(A).

7   5.   A true and correct copy of the Proof of Service, describing the above, was

8   filed with the Court on January 23, 2008 as Document 3 on the online Pacer docket. As

9   reflected in Exhibits B and C to the Proof of Service, the Federal Express and Certified

10   Mail packages were delivered on January 2, 2008 to the address provided by the

11   registrant of the Defendant domain.

12   6.   To date, no party has filed an answer, made an appearance, or filed any

13   other responsive pleading in the Action.

14   7.   Accordingly, Quick Learning respectfully requests that default be entered

15   against Defendant.

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17   I declare under penalty of perjury under the laws of the United States of America

18   that the foregoing is true and correct and that this Declaration was executed on January

19   29, 2008, in San Francisco, California.

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21   _____
                                                 /s/

22   Deepa Krishnan

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Exhibit A

KRONENBERGER | BURGOYNE

150 Post Street
Suite 520
San Francisco, CA 94108

Phone 415.955.1155
Fax   415.955.1158
www.kronenbergerlaw.com

December 6, 2007

Moniker Online Services, LLC
20 SW 27 Ave., Suite 201
Pompano Beach, FL 33069

Moniker Privacy Services
20 SW 27 Ave., Suite 201
Pompano Beach, FL 33069

Via Email (support@moniker.com), Facsimile (954-969-9155) and U.S. Mail

**RE: Unlawful Registration of the Trademark "QUICK LEARNING" in an
Internet Domain Name; Cybersquatting at
http://www.quicklearning.com**

Dear Sir or Madam:

We are intellectual property counsel to Quick Learning, LLC ("Quick Learning"). Quick Learning owns federal trademarks on the words "Quick Learning," in connection with, among other products and services, educational services. (See e.g., USPTO Reg. Nos. 2481381 and 2491822).

It has come to our attention that a customer of Moniker Online Services, LLC ("Moniker") has privately registered the Internet domain name <quicklearning.com> (the "Domain Name") by means of the Moniker Domain WHOIS Privacy service, and that this customer is benefitting from pay-per-click advertising thereon. Please be advised that the exploitation of our client's registered trademarks is in violation, among other things, of the federal Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d).

We therefore request that Moniker reveal the identity of the Domain Name registrant so that Quick Learning may contact the registrant directly. We understand that, as an ICANN Accredited Domain Register, Moniker is bound by Paragraph 3.7.7.3 of the ICANN Registrar Accreditation Agreement, which reads, in pertinent part: "A Registered Name Holder…shall accept liability for harm caused by wrongful use of the Registered Name, *unless it promptly discloses the identity of the licensee to a party providing the Registered Name Holder reasonable evidence of actionable harm*." (Emphasis added).

Should Moniker fail to reveal the identity of the registrant, Quick Learning has no choice but to presume that Moniker itself is the registrant, in such case this letter serves as formal notice, pursuant to 15 U.S.C. § 1125(d), of Quick Learning's intent to proceed with litigation under the above-cited code section.
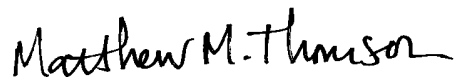
Accordingly, by December 13, 2007, we request that Moniker either: (1) reveal the identity of the registrant of the infringing Domain Name, or (2) state its

INTERNET LAW, E-COMMERCE & MEDIA ATTORNEYS

intent to transfer the Domain Name to Quick Learning. Absent such compliance, Quick Learning intends, without further notice, to initiate legal action against you and/or the Domain Name.

Of course, if you would like to discuss this matter further, or if you have any questions, please feel free to contact me at 415-955-1155, ext. 115, or at matt@kronenbergerlaw.com. Nothing contained herein shall be deemed a waiver, limitation, release or relinquishment of any of Quick Learning's rights or remedies, whether in law or in equity, all of which are expressly reserved hereby.

Sincerely,

KRONENBERGER BURGOYNE, LLP

Matthew M. Thomson

Matthew M. Thomson

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PROOF OF SERVICE

I am a resident of the state of California, over the age of eighteen years and not a party to this action.   My business address is 150 Post Street, Suite 520, San Francisco, California, 94108.

On January 29, 2008, I served the following document(s):

1. REQUEST TO CLERK TO ENTER DEFAULT; DECLARATION OF DEEPA KRISHNAN IN SUPPORT THEREOF

on the parties listed below as follows:

Moniker Online Services, LLC	Moniker Privacy Services
20 SW 27 Ave., Suite 201	20 SW 27 Ave., Suite 201
Pompano Beach, FL 33069	Pompano Beach, FL 33069-1925
Fax: (954) 969-9155	Fax: (954) 969-9155
Email: support@moniker.com	Email: support@moniker.com

[X]   BY FIRST CLASS MAIL, by placing a true copy thereof in a sealed envelope, with postage thereon fully prepaid, for collection and mailing, in San Francisco, California, following ordinary business practices, which is deposited with the US Postal Service the same day as it is placed for processing.

[X]   BY EMAIL, to the address listed above.

[ ]   BY OVERNIGHT MAIL, via Federal Express.

[ ]   BY CERTIFIED MAIL.

[X]   (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Adam Schneider
Adam Schneider

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San Francisco, CA 94108
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PROOF OF SERVICE